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15 IN THE UNITED STATES DISTRICT COURT  
16  
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 CASE NO. 2:22-CR-16-DAD

20 Plaintiff,

21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 ORDER

24 v.

25 DATE: February 21, 2023

26 TIME: 9:30 a.m.

27 COURT: Hon. Dale A. Drozd

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16  
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. This case was set for a status conference on February 21, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference until April 4,  
22 2023, at 9:30 a.m., and to exclude time between February 21, 2023, and April 4, 2023, under 18 U.S.C.  
23 § 3161(h)(7)(A), B(iv) [Local Code T4].

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case  
26 includes investigative reports and photographs, which the government has either produced  
27 directly to counsel or made available for inspection and copying. The government is also in the  
28 process of confirming whether there is additional discovery, which it will produce in the event it

1 is identified.

2 b) The parties are in the process of attempting to resolve this matter. Counsel for  
3 defendant desires additional time to review the discovery produced, to consult with his client, to  
4 conduct investigation and research related to the current charges, to discuss potential resolutions  
5 to this matter, and to otherwise prepare for trial.

6 c) Counsel for defendant believes that failure to grant the above-requested  
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
8 into account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) In addition to the public health concerns cited by the General Orders and  
11 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in  
12 this case because the defendant is out of custody and lives an appreciable distance from  
13 Sacramento, where defense counsel is based. As a result, all travel must be carefully  
14 coordinated, which is more difficult at this time.

15 f) Based on the above-stated findings, the ends of justice served by continuing the  
16 case as requested outweigh the interest of the public and the defendant in a trial within the  
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
19 et seq., within which trial must commence, the time period of February 21, 2023 to April 4,  
20 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
22 of the Court's finding that the ends of justice served by taking such action outweigh the best  
23 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 9, 2023

PHILLIP A. TALBERT  
United States Attorney

Dated: February 9, 2023

/s/ RON PETERS  
RON PETERS  
Counsel for Defendant  
BENJAMIN JOHN SARGISSON

## ORDER

Pursuant to the stipulation of the parties, the status conference in this case is continued to April 4, 2023, at 9:30 a.m., and time is excluded between February 21, 2023, and April 4, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

IT IS SO ORDERED.

Dated: **February 12, 2023**

Dale A. Droyd

UNITED STATES DISTRICT JUDGE